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ABSTRACT

As a result of increased court intervention in favor of students' rights, a review of a sample of teachers concerning their attitudes about student control was examined. Taking into consideration the teachers' attitudes concerning student rights, the Pupil Control Ideology test and the Students' Rights Acceptance Scale were used as measurement instruments. To ensure homogeneity of the sample group, the PCI scores were also compared to a larger sample, revealing statistical similarities between the two groups in the field of teacher attitudes. A significant difference in the effect of teacher attitudes was found. Teachers with a higher acceptance of the concept of student rights were also those teachers possessing more humanistic attitudes towards pupil control in general, while less humanistic teachers were found to have a more custodial attitude towards the management of students. (IH)

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THE RELATIONSHIP OF PUPIL CONTROL IDEOLOGY TO STUDENTS' RIGHTS ATTITUDES

by

Lynn Jones

A Thesis Submitted to the Faculty of the Graduate Division of Wilkes College in Partial Fulfillment of the Requirements for the Degree of Master of Science in Education.

January 26, 1979

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Abstract

Teachers and our schools have been faced with the increasing tendency on the part of the courts to intercede in the direction of protecting "rights" of individual pupils.

This study looked at the ideology of teachers with regard to both pupil control and students' rights to determine if there was a significant correlation between the two areas.

The study reviewed a sample of teachers concerning their attitudes about pupil control and their attitudes concerning the concept of students rights. To measure the attitudes of teachers in this sample on pupil control, the Pupil Control Ideology (PCI) was used. To determine the attitudes of teachers in this sample on students' rights an instrument, the Students' Rights Acceptance Scale (SRAS), was developed, tested for internal reliability, and then used to measure the teachers' attitudes toward students' rights.

To check the homogeneity of the present sample with other groups, the scores on the PCI were checked against a larger sample which showed both to be statistically similar in attitudes toward pupil control.

A t-test on the mean scores of the sample group on the PCI and the SRAS was computed. The results indicated that

for this sample there was a significant difference between the two groups. Those teachers who held more humanistic attitudes concerning pupil control were more receptive to the concepts of students' rights than were the teachers who held a more custodial attitude concerning pupil control.

Chapter I

Introduction

Throughout this past decade and a half our educational institutions, along with society in general, have faced tremendous periods of stress and rapid changes. Perhaps one of the greatest tensions in the society was brought on by the unpopularity of the Vietnam Conflict, and the ethical questioning brought out, in many instances, by the young who were to fight in a "conflict" about which they had no say. This questioning generation did not limit its questions only to the relevancy of the war, but to its total relationship to society. And since so much of the time in a young person's life is spent in an educational environment, it seemed only natural that a good deal of the questioning of relevance overflowed into the educational environment.

Students had become aware of "rights," and more importantly the "deprivation of rights," and had become accustomed to demanding answers. Many of them did demand answers and, in increasing numbers, they went to the courts to get their final answers. Thus, it was in the courts, where at a more rapid rate than at any time in our history, the young were awarded the recognition of their individual rights as full citizens under the U. S. Constitution and under its protection.

However, it was over thirty years ago that the United States Supreme Court actually proclaimed in West Virginia Board of Education v. Barnette[1]:

> Educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.[2]

And, in that same 1943 decision the court declared: " . . . that compulsory school attendance did not mean that students surrendered their rights at the school house door."[3]

In writing about this decision, Hentoff states that with this Supreme Court ruling we might have expected recognition of students' Constitutional rights to be enacted within the educational institutions. However, this has not been the case. In fact, Hentoff writes that despite the courts' 1943 pronouncement, there had been little significant change in the attitudes of educators toward students' rights.[4]

> The latter (students) compelled by law to attend these institutions, find their Constitutional freedoms routinely violated rather than scrupulously protected by those in charge of the school. Such basic rights of an American citizen as freedom of speech and assembly, protection from invasion of privacy, and the guarantee of due

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[1]West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943).

[2]Ibid.

[3]Ibid.

[4]Nat Hentoff, "Why Students Want Their Constitutional Rights," Saturday Review, May 22, 1971, p. 60.

> process of law do not exist for the overwhelming majority of American high school students.[5]

Throughout most of history, it has been assumed that the best interest of the child was synonymous with that of the parents or the state and its agencies. It has also been recognized in a democratic society that the rights of the young are qualified by their biological and emotional development and by their dependence on the adult world.[6] However, a study entitled Birthrights: A Bill of Rights for Children points out:

> The attempt to do what is "good for the child," to protect his welfare rather than his rights, is not ultimately to the child's benefit. In dealing with children's rights, what is good for the child is, to some extent, beside the point. Focusing on the welfare of the child rather than on his full rights to citizenship leads us to create all kinds of protective legislation and privilege which in the long run actually militates against the child. Whenever we deny people their civil rights in an effort to "protect" them, we usually wind up having made their plight even worse.[7]

And a Civil Liberties Union Report states:

> It is not whether a child's liberties are the same as an adult's, but how the limits of adult control may be drawn so as not to infringe on the child's right to grow in freedom in accordance with the spirit of civil

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[5] Ibid.

[6] Alan Reitman, Judith Follman, and Edward T. Ladd, "Corporal Punishment in the Public Schools," American Civil Liberties Union Reports, (New York: A.C.L.U., March, 1972), p. 5.

[7] Richard Farson, Birthrights: A Bill of Rights for Children, (New York: Macmillan Pub. Co., Inc., 1974), p. 193.

liberties embodied in the Constitution.[8]

In recent years, new interpretations have arisen in the area of children's rights, where increasingly their needs and interests are being recognized as rights under the law.[9] The courts have gradually begun to look upon minors as individuals and are gradually affording them a fuller protection of their civil rights.[10] And, as the courts have been speaking out in favor of the students' individual rights,[11] it seems a guarantee of respect for the human rights of everyone is a concept whose time has come.[12]

In the United States Constitution, it is the first ten Amendments or Bill of Rights that was intended to insure a

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[8]Reitman, "Corporal Punishment," p. 5.

[9]Hillary Rodkam, "Children Under the Law," Harvard Educational Review, November, 1973, p. 488.

[10]Ibid., p. 487.

[11]Breen v. Kahl, 296 F. Supp. 702 (W.D. Wis. 1969), aff'd., 419 F.2d 1034 (7th Cir. 1969); Burnside v. Byars, 363 F.2d 744 (5th Cir. 1966); Crews v. Cloncs, 432 F.2d 1259 (7th Cir. 1969); Dixon v. Alabama State Board of Education, 186 F. Supp. 945 (M.D. Ala. 1960), rev'd. 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930 (1961); Goss v. Lopez, 419 U.S. 565 (1975); In re C., 26 Cal. App.3d 320, 325, 102 Cal. Rptr. 682, 685 (1972); Pickering v. Board of Education, District 205, 391 U.S. 563 (1968); Richards v. Thurston, 304 F. Supp. 399 (1969); Scoville v. Board of Education of Joliet Township High School District, 204, 425 F.2d 10 (7th Cir. 1970), cert. denied, 400 U.S. 826 (1970); Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Wood v. Strickland, 420 U.S. 308 (1975).

[12]William G. Zimmerman, Jr., "Human Rights and Administrative Responsibility," Phi Delta Kappan, December, 1974, p. 243.

fair degree of protection for the individual by the State.[13]

> Although the "will of the majority" is a properly revered tenet of American political philosophy, the Bill of Rights was designed to remove certain fundamental rights of individuals from the control of the majority at a given time.[14]

An aspect of students' civil rights which has been under much consideration is the Constitutional guarantee of "due process of law," which can be found in both the Fifth and Fourteenth Amendments. In these Amendments, it is stated that a person cannot " . . . be deprived of life, liberty, or property without due process of law."[15] However, the Constitution does not specifically define "due process" and, therefore, it has been up to the courts to determine what constitutes this concept.[16]

Recently, some states have enacted legislation guaranteeing students' due process of law, and in other areas state and local boards of education have enacted similar student codes.[17] However, due process is not always available to

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[13]Todd Clark, ed., "American Schools in Crisis," Bill of Rights Newsletter, Fall, 1975, p. 5.

[14]E. Edmund Reutter, Jr., The Courts and Student Conduct, (Topeka, Kansas: National Organization on Legal Problems of Education, 1975), p. 92.

[15]U.S. Constitution, Amendment V., Amendment XIV.

[16]Grant S. McClellan, ed., American Youth in a Changing Culture, (New York: The H. W. Wilson Co., 1972), p. 139.

[17]Zimmerman, "Human Rights," p. 243.

students. The Bill of Rights Newsletter states: "Freedom of expression and due process of law for students are Constitutional safeguards that, until recent times, have been ignored by educators."[18] Students, quite often, are accused by teachers or administrators of violations of school rules and there is no presumption of innocence, nor is the student given a chance to defend himself.[19]

The Supreme Court of the United States has held that children and students are entitled to Constitutional protection,[20] and the scope of judicial review of educational policy is practically unlimited.[21] The Supreme Court, while it has held that students are entitled to the Constitutional "due process" and "equal protection" rights under the Fourteenth Amendment,[22] has not yet ruled on whether public school students are protected from "unreasonable searches and seizures" under the Fourth Amendment.[23]

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[18]Todd Clark, ed., "Student Rights and the Role of the Courts," Bill of Rights Newsletter, Fall, 1975, p. 17.

[19]Gerald W. Marker and Howard D. Mehlinger, "Schools, Politics, Rebellion, and Other Youthful Interests," Phi Delta Kappan, December, 1974, p. 246.

[20]See Goss v. Lopez, 419 U.S. 565 (1975); In re Gault, 387 U.S. 1 (1967); Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

[21]William R. Hazard, "Courts in the Saddle: School Boards Out," Phi Delta Kappan, December, 1974, p. 259.

[22]Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

[23]William G. Buss, "Searches of Students by School Officials in Public Schools," Inequality in Education, July, 1975, p. 5.

However, one study states:

> The right to privacy protected by the Fourth Amendment does not seem less significant to students than the right to freedom of speech protected by the Fourteenth.[24]

The Supreme Court does not usually issue a command of what "must" be done, but rather it usually outlines what cannot be done.[25]

> The standards that issue from judicial opinions are not positive policy directives but minimally accepted standards. The Court never says how much better (or more fairly) an organization can treat an individual--only how he can't be treated.[26]

For a long period of time, the courts considered it of prime importance that the schools maintain order and that the threat of a disturbance was ground for limiting a student's Constitutional rights.[27] However, the recent decisions of the Supreme Court regarding due process and students' rights seem to be an effort to clarify the rights of students and the responsibilities of educators to uphold those rights.[28]

In a Phi Delta Kappan article, one observer finds that the issue of student behavior is of the uppermost importance both to the educational environment and the society in general

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[24]Buss, "Searches of Students," p. 5.

[25]David Deifee, "Due Process: Can It Thrive in a Classroom?" Instructor, Aug./Sept., 1974, p. 57.

[26]Ibid.

[27]Clark, "Student Rights," p. 17.

[28]Ibid.

for it includes the concepts of law, order, authority, due process, and democracy, and they involve relationships among people and between individuals and the state.[29] But, the main emphasis is that problems of student behavior could be the vehicle for effective civic education.[30]

If minors are to be recognized as individuals and to be afforded their degree of civil rights, then it is necessary that the institutions of society accept them as such.[31] And, since the educational institution is the one institution in society directly concerned with the growth of the individual, it seems especially important that educators accept the concept of students' rights.

But, what of the institution that had been dealing with the young? Would it change as rapidly as the changes in the society, and would it follow the decisions of the courts?

One school of sociology suggests: When a basic institution of the society does not move to change with the society it becomes dysfunctional and dies. A society does not perpetuate itself by propagation alone; if it wishes to continue throughout time, then it must be successful in passing on to new generations its values, attitudes, and behavior patterns,

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[29]Joel F. Henning, "Student Rights and Responsibilities and the Curriculum," Phi Delta Kappan, December, 1974, p. 248.

[30]Rodkam, "Children Under the Law," p. 506.

[31]Henning, "Student Rights and Responsibilities," p. 248.

as well as its accumulated knowledge and skills.[32] Generally, it has been this transmission that has served as the primary function of the educational system.[33]

However, within the formal educational structure, it is not so much the overt teaching that transmits values and attitudes as it is the very functioning of the system itself, and herein lies the problem. "There is often a conspicuous disparity between the official values of the society and the operative values that are communicated in and through institutionalized education."[34]

> The main reason that educational reform has been a reform in consciousness only and not in practice is that it has been based on the faulty assumption that the educational system of today doesn't work.[35]

The reality of the situation is that, at a more fundamental level, the schools are not dysfunctional at all. In fact, they are highly functional. Thus, change becomes most difficult.[36] It is not the level of achievement on test scores or reading ability that has been the prime goal of the educational institution, but rather the primary goals of the educational system have been something quite different.

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[32]Robert R. Alford, ed., et al. Society Today, (Del Mar, Calif.: C.R.M. Books, 1971), p. 301.

[33]Ibid.

[34]Ibid.

[35]Farson, Birthrights, p. 104.

[36]Ibid.

As Richard Farson writes:

> It has not been concerned with humane learning and growth, but with keeping our way of life intact: keeping the child in his place, socially, politically, and economically. It has indoctrinated him with the values, if not the information, Americans are expected to learn.[37]

And, the report concludes that in these areas the educational system has been highly successful.[38]

In the past, the importance of pupil control was not surprising as the schools were viewed as people changing institutions.[39] Pupil control in and of itself was the salient feature of the educational structure.[40] Teachers viewed the school as an autocratic institution that required tight control of the students.

One report on the American public school system concludes that schools are prime examples of authoritarian bureaucracies that wish to shape students according to adult expectations.[41] However, it states that most of the students learn to cope with the system, but at what a price--for they

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[37] Ibid.

[38] Ibid.

[39] James Stevens Bean and W. K. Hoy, "Pupil Control Ideology of Teachers and Instructional Climate in the Classroom," High School Journal, November, 1974, p. 61.

[40] Wayne K. Hoy, "Comparison of the Ideological Orientation and Personality Characteristics of Teacher Acceptors and Rejectors of B.S.C.S. Biology," Science Education, January, 1972, p. 72.

[41] Marker, "Schools, Politics," p. 246.

are certainly not learning the practices that are consistent with the primary ideals of a democratic system.[42]

> We believe students are attempting to reduce the inconsistencies they perceive between what they are taught about the American political system and the realities of the school environment in which they live.[43]

Traditionally, schools have used the curriculum to indoctrinate youngsters into the "American way of life," as it happened to be defined at a particular period of time. However, the discrepancy between the behavior of individuals in today's society and what was purported to be taught suggests a need to look at the functioning of the system.[44]

Few who have been to school will not admit to having been exposed to the concepts of justice, equality, and democracy, but the exposure came in the area of subject matter and not in the actual functioning of the system itself.[45] As Friedenberg states in his study, The Dignity of Youth and Other Atavisms:

> It is idle to talk of civil liberties to adults who were systematically taught in adolescence that they had none; and it is sheer hypocrisy to call such people freedom loving.[46]

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[42] Ibid.

[43] Ibid.

[44] Gerald Weinstein and Mario Fantini, ed., Toward Humanistic Education: A Curriculum of Affect, (New York: Praeger Publishers, 1970), p. 17.

[45] Ibid., p. 5.

[46] Edgar Z. Friedenberg, The Dignity of Youth and Other Atavisms, (Boston, Mass.: Beacon Press, 1965), p. 12.

The study Birthrights continues with a similar thought:

> Not only have students failed to learn the subject matter pertinent to self-government, but in the authoritarian and arbitrary system of American education they have not experienced it either.[47]

By challenging the traditional view the recent emphasis on students' rights is a threatening force to many members of the educational system. It is not simply an attempt to bring more freedom to the students themselves, but rather, it is a full attack on the primary function of the American public education system.

If the schools are a truly authoritarian bureaucracy, they will follow other bureaucratic systems and tighten controls and increase pressure for conformity. But, on the other hand, if they are truly interested in the welfare of the young, they could use the changing conditions to take a critical look to see what they are accomplishing, and then develop the kind of responses best suited to showing youth what " . . . they should expect from a free, democratic institution that had been created to serve their constituents."[48]

In Crisis in the Classroom, Silberman suggested that our most pressing problem in education is learning how to create and maintain a humane environment in our schools.[49] And, in order to do this, teachers themselves must have a

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[47]Farson, Birthrights, p. 98.

[48]Marker, "Schools, Politics," p. 246.

[49]Charles Silberman, Crisis in the Classroom, (New York: Random House, 1970), p. 373.

firm sense of commitment and faith in human values with a positive recognition of human worth.[50]

However, research on teacher ideology of pupil control in the schools has shown teacher ideology to be conceptualized along a custodial-humanistic continuum.[51] Those teachers who held a custodial orientation viewed the school as an autocratic organization. The flow of power was unilateral downward, and they held to a rigid pupil-teacher status hierarchy.[52] The role of students was to accept the decisions of teachers without questions, and misbehavior was a personal affront. Students were viewed by these teachers as irresponsible and undisciplined persons who must be controlled by punitive measures.[53] "A custodial pupil ideology is characterized by stress on maintenance of order, distrust of students, and a punitive moralistic orientation toward pupil control."[54]

However, the teachers with a humanistic orientation see the educational environment as one in which the students learned through co-operation, interaction and experience.[55] "A humanistic ideology is marked by an accepting, trusting

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[50] Ibid.

[51] Bean, "Pupil Control Ideology," p. 62.

[52] Ibid.

[53] Ibid.

[54] Hoy, "Ideological Orientation," p. 72.

[55] Bean, "Pupil Control Ideology," p. 62.

view of students, and confidence in their ability to be self-disciplining and responsive."[56] Past studies have also shown that teachers with a humanistic orientation had a desire for a democratic atmosphere in the classroom with its attendant flexibility in status.[57]

Therefore, if it is important for the schools to accept and to implement the concepts of students' rights in accordance with court rulings, the question arises--what type of teacher ideology would be most likely to accept and to implement the concepts of students' rights?

This study looks at the ideology of teachers with regard to both pupil control and students' rights to determine if there is a significant correlation between the two areas.

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[56]Hoy, "Ideological Orientation," p. 72.

[57]Bean, "Pupil Control Ideology," p. 62.

Chapter II

Research

Perhaps the most famous children's rights case came in 1972 when the Supreme Court took its first significant step in recognizing juvenile rights in the Gault[1] case. There, the Court declared that children in juvenile court were entitled, under the Constitution, to due process guarantees that had previously been granted only to adults in criminal court.[2] In this landmark Gault decision, Justice Black wrote, in a concurring opinion:

> Appelants are entitled to these rights (the essentials of due process) . . . because they are specifically and unequivocally granted by provisions of the Fifth and Sixth Amendments which the Fourteenth makes applicable to the states.[3]

Gerald Gault was a fifteen-year-old boy from Arizona who was arrested for making lewd telephone calls. He was sent to a state detention home until he reached the age of twenty one.[4]

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[1]In re Gault, 387 U.S. 1 (1967).

[2]Hillary Rodkam, "Children Under the Law," Harvard Educational Review, November, 1973, p. 499.

[3]Alan Reitman, Judith Follman, and Edward T. Ladd, "Corporal Punishment in the Public Schools," American Civil Liberties Union Reports, (New York: A.C.L.U., March, 1972, p. 6, "citing" Gault.

[4]David Deifee, "Due Process: Can It Thrive in a Classroom?" Instructor, Aug./Sept., 1974, p. 56.

He was not notified of his rights, and on the basis of his own testimony he was sentenced. The same offense in an adult court would have carried a maximum penalty of a $50 fine or imprisonment of no more than two months.[5] Neither the boy, nor his parents, was notified of the charges and he was not adequately represented by legal counsel.[6]

The Supreme Court held that juvenile proceedings, which may lead to commitment to a state institution, must be regarded as "criminal proceedings" for the purpose of applying the privilege against self-incrimination.[7] Therefore, the Court rejected the argument of the State that in juvenile proceedings, due to their sensitivity, a defendant did not require procedures consistent with "due process."[8] The Supreme Court in Gault declared: "Neither the 14th Amendment nor the Bill of Rights is for adults alone . . . "[9]

A study in the Family Law Quarterly states:

> The most significant court decision that is relevant to our philosophical base is In re Gault. Since that landmark decision, in legal theory, there are checks upon arbitrary exercises of either parental or public authority and the

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[5] Ibid.

[6] Grant S. McClellan, ed., American Youth in a Changing Culture, (New York: The H. W. Wilson Co., 1972), p. 140.

[7] Ibid.

[8] Ibid.

[9] Gault, supra note 1.

> welfare of the children no longer should be determined by gratuitious assumptions. The spirit of Gault is that we must have regard for reality--for pragmatic consequences--and pious hopes or good intentions are not enough. The child's point of view, what's fair to him not merely the mens rea of the one who wields the rod, must be taken into account.[10]

Another important victory in the recognition of the application of civil rights to juveniles came in 1969 in the case of Tinker v. Des Moines Independent Community School District.[11] This was the first issue of the United States Supreme Court involving pupil discipline per se.[12]

In 1965, school officials of the Des Moines public schools received information that a group of students planned to wear black armbands to protest Vietnam war policy. The school officials adopted a policy that would request students wearing armbands to remove them, and if the students did not comply, the students would be suspended until they returned without the armbands.[13]

The two Tinker children, John and Mary Beth, and a friend, Christopher Eckhart, wore the black armbands to class

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[10]Henry H. Foster, Jr. and Doris Jonas Freed, "A Bill of Rights for Children," Family Law Quarterly, Winter, 1972, p. 345.

[11]Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

[12]E. Edmund Reutter, Jr., The Courts and Student Conduct, (Topeka, Kansas: National Organization on Legal Problems of Education, 1975), p. 12.

[13]Ibid.

and were suspended.[14]

Eventually, the case reached the Supreme Court which ruled against the district. In the decision, the Court declared that the wearing of an armband was a symbolic act which was intended to express certain views and therefore is protected by the First Amendment.[15] The Court held: " . . . students are indeed 'persons' under the Constitution and therefore have fundamental rights, which school authorities must respect."[16]

Prior to Tinker, it was the Fifth Circuit Court of Appeals that first gave a modern judicial position on the rights of students in public schools.[17] The Fifth Circuit Court cases involved the wearing of armbands or political buttons by the students and the Supreme Court of the United States cited the approval of these decisions and used their rationale in deciding the Tinker armband case.[18]

Implicit in the Tinker decision was a view of the purposes and methods of education that differed considerably

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[14]Milton R. Konvitz, ed., Bill of Rights Reader, (Ithaca, N.Y.: Cornell University Press, 5th edition, 1974), p. 250.

[15]Nat Hentoff, "Why Students Want Their Constitutional Rights," Saturday Review, May 22, 1971, p. 60.

[16]Ibid.

[17]Reutter, The Courts and Student Conduct, p. 8.

[18]Ibid.

from those that had been traditionally expressed by the courts.[19] Tinker reversed a long judicial history which accepted shaping of a uniform national character as a legitimate purpose of education.[20] The Tinker Court sought to rely on Supreme Court precedent in Meyer v. Nebraska[21] which, as early as 1923, the Court contended provided protection to students.[22] However, in Meyer v. Nebraska, it is the use of the schools to foster a homogeneity of language and culture that is repudiated. Tinker was a bold new step, which included the repudiation of homogeneity of ideas.[23]

In Tinker, the Court found evidence that the principals' decision to outlaw armbands was based upon viewpoints connected with the Vietnam war. The principals simply disagreed with the opinion represented by the armbands.[24]

> The school officials banned and sought to punish petitioners for a silent, passive

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[19]Richard L. Berkman, "Students in Court: Free Speech and the Functions of Schooling in America," Harvard Educational Review, Reprint Series No. 6. Education and the Legal Struggle, p. 45.

[20]Ibid., p. 50.

[21]Meyer v. Nebraska, 262 U.S. 390 (1923).

[22]Berkman, "Students in Court," p. 50.

[23]Ibid., p. 51.

[24]Richard P. Kleeman, Students Rights and Responsibilities: Courts Force Schools to Change. Washington, D.C.: National School Public Relations Association, 1972. (ERIC Document Reproduction Service No. ED 071 171), p. 4.

> expression of opinion unaccompanied by any disorder or disturbance on the part of the petitioners' interference, actual or nascent, with the school's work or of collision with the rights of other students to be secure and to be let alone. Accordingly this case does not concern speech or action that intrudes upon the work of the school or the rights of other students.[25]

Still at another point, the Court said:

> In our system undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken in class, in the lunchroom or on the campus that deviates from the views of another person may start an argument or cause a disturbance, but our Constitution says we must take this risk. . . . In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are persons under our Constitution.[26]

Or, as the Harvard Law Review reported, the significance of the case lies in the fact that " . . . (the) Court adopted the view that the process of education in a democracy must be democratic."[27]

An article in the Harvard Educational Review[28] points out that the Tinker decision is closely related to Justice

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[25]Tinker, supra note 11.

[26]Ibid.

[27]Bartley C. Deamer, et al., case eds., "Constitutional Law," Harvard Law Review, November, 1969, p. 159.

[28]Berkman, "Students in Court," p. 50.

Jackson's opinion in the Barnette[29] decision. There Jackson found that in the toleration of diversity lies our national strength.[30]

> To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disappointing and disastrous ends.[31]

In that earlier opinion, Justice Jackson stressed the point that education necessitates that its institutions act within the limits of the Bill of Rights.[32]

Although the Tinker decision accepted the historical view that education was used as a tool for citizenship building, it rejected all but a democratic means of achieving that goal.[33] The Court, in Tinker, states that the process of education can be more important than its content in achieving educational aims.

> The thesis of the Tinker opinion is that First Amendment rights in the classroom are actually essential to an effective educational process in a democracy rather than a source of disruption of that process.[34]

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[29]West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).

[30]Berkman, "Students in Court," p. 50.

[31]Barnette, supra note 29.

[32]Berkman, "Students in Court," p. 51.

[33]Ibid.

[34]Ibid.

In 1974, two very important students' rights cases were before the United States Supreme Court. Goss v. Lopez,[35] raised the issue of short term suspensions and what is required in such a case under the concept of "due process."

In the Goss case, one junior high and eight high school students, from Columbus, Ohio were suspended during a period of racial tension.[36] The students were accused of misconduct, for which they could be suspended, without notice, for a period of up to ten days according to an Ohio statute.[37] The students then sued on the ground that their constitutional right of procedural due process had been violated by the suspension, and they challenged the legality of the statute.[38]

Lower federal courts had earlier ruled that if a public school student had been removed from the school for misconduct for a period of time that could be considered an expulsion, a post suspension hearing was required. However, there was a great deal of confusion in the lower federal courts as to what constituted an expulsion.[39]

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[35]Goss v. Lopez, 419 U.S. 565 (1975).

[36]Todd Clark, ed., "Student Rights and the Role of the Courts," Bill of Rights Newsletter, Fall, 1975, p. 17.

[37]Thomas J. Flygare, "Two Suspension Cases the Supreme Court Must Decide," Phi Delta Kappan, December, 1974, p. 257.

[38]Ibid.

[39]Clark, "Student Rights," p. 17.

The Supreme Court in Goss, concurred with the lower district court decision which struck down the Ohio statute on the ground that the student had a "protected interest" that was entitled to due process protection. The Court stated that, even if the suspension were for a period of only ten days, if the suspension were without notice of the charges and a hearing, the due process clause still applied because the suspension could have serious effects and the students' future could be harmed.[40]

However, the decision upheld the right of the school authorities to remove any student engaged in disruptive behavior from the premises but added that such a student should then be notified of the charges within 24 hours and given a hearing within 72 hours.[41] "The Court concluded that the harm that a ten-day suspension can do is not so small as to make the protection of constitutional rights unnecessary."[42]

Another 1974 Supreme Court case, Wood v. Strickland,[43] ruled on the related issue of the standard of proof necessary to suspend a student. However, it also included the interesting

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[40] Ibid.

[41] Flygare, "Two Suspension Cases," p. 257.

[42] Clark, "Student Rights," p. 17.

[43] Wood v. Strickland, 420 U.S. 308 (1975).

question of whether a school board member can be personally sued for money damages for the improper suspension of a student.[44]

Prior to these cases, the courts had ruled against officials' being personally sued on the ground that they would then be too fearful to carry out their duties.[45]

In the Wood case, three tenth grade girls admitted to a teacher that they had spiked the punch for an extra-curricular function. The teacher at first said that she would handle the matter; however, as rumors grew, the teacher convinced the girls to tell the principal, who had the girls suspended for two days. Later, at a school board hearing, where neither evidence was presented nor were the students or their parents in attendance, the girls were suspended for the remainder of the semester, approximately three months.[46] Thus, it was on the basis of their own testimony that they were suspended.[47]

Two of the girls filed suit demanding that they be reinstated and that money damages be paid by the board officials for the violation of their rights to due process.[48]

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[44]Flygare, "Two Suspension Cases," p. 257.

[45]Clark, "Student Rights," p. 18.

[46]Ibid.

[47]Flygare, "Two Suspension Cases," p. 257.

[48]Ibid.

A United States District Court ruled for the defendants; however, the Eighth Circuit Court of Appeals reversed the decision on the ground that no evidence had been presented at the suspension hearings to establish that there had actually been intoxicating liquid.[49] The Supreme Court held that in the absence of evidence the suspensions violated the students' due process rights and must be removed from the girls' records.[50]

On the question of whether a school board member could be personally sued, the Supreme Court ordered that a new trial be held. The decision states that the district court judge erroneously instructed the jury that, in order to recover damages from a board member, it would have to be shown that the suspensions were motivated by malice.[51] Thus, in the Wood case, the Court held that there is a limit on school officials' freedom from immunity.[52]

One area in which the proponents of students' civil rights have been disappointed with court decisions is the use of corporal punishment within the schools.

The American Civil Liberties Union and other civil rights groups have long been pursuing an end to corporal punish-

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[49] Ibid.

[50] Ibid.

[51] Ibid.

[52] Clark, "Student Rights," p. 18.

ment in our educational institutions. A report on corporal punishment, published in 1972 by the ACLU, had this to say:

> While schools cannot be expected to provide formal procedural due process whenever a classroom regulation is flouted, in administering justice teachers should be guided by the requirements of due process. The classroom offers the ideal environment to inculcate in children the concept of democratic behavior within a framework of rules. Children have their first close continuing contact with formal authority in the schools; here they acquire attitudes towards liberty and authority that are of lasting influence. As an advocate of the Constitution and an exponent of its principles, the teacher has a unique opportunity to exemplify the spirit and practice of fair play and procedures. Such exemplification is ill served by the sweeping dispensation of summary justice by force which deprives students of liberty without due process of law and undermines respect for the democratic process.[53]

The report continues with the emphasis that corporal punishment is a violation of the students' right of due process:

> Corporal punishment is morally and constitutionally unsound. It breeds violence and assaults the rule of law. It risks long-term dangers in the search for short-term effectiveness. The cost to our children and the nation is intolerably high.[54]

However, for the present, the Supreme Court has spoken in the case of Baker v. Owen[55] which upheld spanking as

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[53]Reitman, "Corporal Punishment," p. 8.

[54]Ibid., p. 10.

[55]Baker v. Owen, 395 F. Supp. 294 (M.D. N.C. 1975).

constitutional.[56] In this case the Supreme Court affirmed a decision of a three-judge United States District Court from the state of North Carolina.

> The decision now affirmed by the Supreme Court held that school officials have an interest in the maintenance of order in the schools sufficient to justify administration of reasonable corporal punishment for disciplinary purposes, even over parental objection, provided that adequate procedural safeguards are afforded the student in connection with such punishment.[57]

However, over recent times, there has been a general strengthing of, and greater recognition given to, the concepts of students' rights; and there is good reason to believe that even our present emphasis on law and order will not dampen the trend toward the strengthening of individual liberties.[58] As Lawrence Cremin states, a society that is committed to the continuing " . . . intellectual, esthetic, and moral growth of all its members, can ill afford less of those who undertake to teach."[59]

These court cases dealing with students' rights have shown that substantial change has occurred and is occurring

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[56]"The Right to Paddle," National Review, November 7, 1975, p. 1224.

[57]Robert D. Stone (New York Counsel and Deputy Commissioner for Legal Affairs), The State Education Department, The University of the State of N.Y.: Letter on "Corporal Punishment," To: District Superintendents, October 23, 1975.

[58]Edward T. Ladd, "Regulating Student Behavior Without Ending Up in Court," Phi Delta Kappan, January, 1973, p. 304.

[59]Charles Silberman, Crisis in the Classroom, (New York: Random House, 1970), p. 374.

in teacher-student relations. Students no longer have a subservient or servile status no matter what the attitudes of individual teachers.[60]

> Students must be dealt with fairly and teachers must have sound reasons for restrictions upon student conduct and freedom of action which are justified in terms of the larger interest of students as a whole.[61]

Reitman emphasizes that children have their first close continuing contact with formal authority in the school, where they acquire attitudes toward liberty and authority that are of lasting influence. As an advocate of the Constitution and an exponent of its principles, the teacher has a unique opportunity to exemplify the spirit and practice of fair play and procedures. He states that such exemplification is ill served by the sweeping dispensation of summary justice by force which deprives students of liberty without due process.[62] "The goal of education in a democracy is inextricably linked to enhancement of the dignity of man."[63]

> What teachers do and do not do in their time spent with teenagers has profound and enduring effects. Teaching, therefore, is a dangerous profession; the philosophies, strategies, and objectives chosen may either stunt

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[60] Foster, "Bill of Rights," p. 374.

[61] Ibid.

[62] Reitman, "Corporal Punishment," p. 8.

[63] Ibid., p. 9.

or nourish emotions and intellect. . . .[64]

If teachers are to effectively implement a humanistic concept of society:

> They need to perceive the school environment as friendly; to feel secure and relaxed in their interactions with students; to have broad interests and perspectives; and to exhibit independence in thought and action.[65]

Within the individual classroom, teachers have a great deal of autonomy which can be used to create changes and foster growth. Whether teachers do so is more a matter of the teacher's personal attitude than a matter of external controls.[66] Even if the school has not incorporated a humanistic approach to the curriculum, the teacher can use techniques which introduce a sense of appreciation, openness to other viewpoints, and an empathy with others.[67]

"In every act of teaching the teacher defines himself as a person."[68] A person's action in teaching represents his view of himself and his teaching reflects his essence as a

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[64]Dale Baughman, What Do Students Really Want? (Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1972), pp. 29-30.

[65]Wayne K. Hoy, "Comparison of the Ideological Orientation and Personality Characteristics of Teacher Acceptors and Rejectors of B.S.C.S. Biology," Science Education, January, 1972, p. 72.

[66]Gerald J. Pine, "Humanizing Teaching," The Clearing House, November, 1975, p. 108.

[67]Edgar Dale, The Humane Leader, (Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1974), p. 33.

[68]Pine, "Humanizing Teaching," p. 108.

person. There is a reciprocal relationship between teaching and one's self.[69]

Research has indicated that the pupil control ideology of teachers is conceptualized along a custodial-humanistic continuum.[70] Teachers who hold the traditional custodial orientation conceive of the school as:

> . . . an autocratic organization with a rigid pupil-teacher status hierarchy; the flow of power and communication is unilateral downward. Students must accept the decisions of teachers without question. Student misbehavior is viewed as a personal affront; students are perceived as irresponsible and undisciplined persons who must be controlled through punitive sanctions. Impersonality, pessimism and "watchful mistrust" imbue the atmosphere of the custodial school.[71]

In essence a custodial pupil ideology places emphasis on maintenance of order, distrust of students, and punishment with moralistic overtones.[72]

On the other side of the continuum, teachers with a humanistic ideology see the school as a community where the students can learn through co-operation, interaction, and experiences.[73] With the humanistic ideology:

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[69] Ibid.

[70] Hoy, "Ideological Orientation," p. 72.

[71] James Stevens Bean and W. K. Hoy, "Pupil Control Ideology of Teachers and Instructional Climate in the Classroom," High School Journal, November, 1974, p. 62.

[72] Hoy, "Ideological Orientation," p. 72.

[73] Bean, "Pupil Control Ideology," p. 62.

> Learning and behavior are viewed in psychological and sociological terms rather than moralistic ones. Self-discipline is substituted for strict teacher control. The humanistic orientation leads teachers to desire a democratic atmosphere with its attendant flexibility in status and rules, sensitivity to others, open communication, and increased student self-determination. Both teachers and pupils are willing to act on their own volition and to accept responsibility for their actions.[74]

"A humanistic ideology is marked by an accepting, trustful view of students, and confidence in their ability to be self-disciplining and responsible."[75]

Since, as it has been said, teaching is a personal expression of "the self," effective teachers should be viewed as fully functioning humanized persons.[76] "The teacher who can be the most whole humanized person will make the most significant contribution to the development of children as self-actualized people."[77] Therefore, before a person can be effective in helping others to be happy with themselves and embodied with self-confidence, he must first feel comfortable with himself.

If the teacher does not accept and respect himself for his own humaneness, he will find it difficult to accept and

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[74] Ibid.

[75] Hoy, "Ideological Orientation," p. 72.

[76] Pine, "Humanizing Teaching," p. 108.

[77] Ibid.

respect the children he is to teach.[78] "The warm and secure teacher continually projects warmth and security and the teacher who values persons cannot help but communicate this valuing to pupils."[79]

The humane teacher will see students as individuals and will get to know them. The humane teacher will: " . . . weigh his actions and procedures for their possible impact on student's self-image."[80] And, since the humaneness of the teacher inevitably shows through, teaching requires a total honesty with oneself, to be able to look at one's own strengths and weaknesses and deal with them honestly. To effectuate a humanistic approach, an individual must become introspective, become aware of what he is and, most importantly, be able and willing to work from there. To be an effective teacher requires empathetic understanding, realness, and deep respect for the worth of the individual.[81]

Much of the difficulty in dealing with adolescents results from the adult's refusal to accept the adolescent as an individual with his own needs, interests and desires.[82] In this regard, many teachers and school administrators treat adolescents as:

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[78] Ibid.

[79] Ibid., p. 109.

[80] Dale, The Humane Leader, p. 34.

[81] Pine, "Humanizing Teaching," p. 108.

[82] Foster, "Bill of Rights," p. 352.

> . . . inferiors, show them little or no respect and wield authority with heavy hands. Children may become scapegoats for frustrated adults who relieve their own sense of inferiority by treating children as things.[83]

In Phi Delta Kappa's report on the changing concepts of students' rights, the chairman of the commission reports:

> Human rights accrue to all people simply because they are human. We cannot deny one's humanness because of his or her temporary status as a student; nor should we deny pupils the opportunity to learn about and to practice human rights behaviors every day in the school setting. What better place for a young person to try out, to make mistakes, and ultimately to succeed in putting into practice part of his or her value system--the human rights of mankind. After all, these are the fundamental human rights which have evolved through the ages and which constitute the bedrock of democracy. If the American democracies are to approach the twenty-first century as a strong viable system, the young people in our schools must be well-versed and competent in handling guaranteed human rights.[84]

If schools have a responsibility to contribute to the humaneness of society, and if in the schools' humaneness begins with the teacher, little will be accomplished in the way of developing a respect for an individual's rights and identity unless the teacher is committed to human values.[85]

> The teacher must ask himself if he prizes the characteristics of a human person. Does he make a conscious effort to understand himself

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[83] Ibid., p. 353.

[84] William G. Zimmerman, Jr., "Human Rights and Administrative Responsibility," Phi Delta Kappan, December, 1974, p. 243.

[85] Dale, The Humane Leader, p. 33.

> and others? If he does, he will already have the most effective teaching technique--example.[86]

It then seems reasonable to assume that a teacher possessing a humanistic ideology would be more receptive to those more liberalized attitudes of our society with respect to the rights of students than would a custodial teacher. Therefore, the following hypothesis is offered for testing: teachers who possess a more humanistic pupil control ideology will be significantly more receptive to students' rights than will teachers who possess a more custodial pupil control ideology.

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[86] Ibid.

Chapter III

Procedures

Sample

To test the hypothesis that teachers with a humanistic pupil control ideology will have a significantly greater degree of acceptance of students' rights than will teachers with a custodial pupil control ideology, the sample for the study consisted of fifty teachers in grades eight through twelve of the Montrose Area School District, Montrose, Pennsylvania and the Carbondale Area School District, Carbondale, Pennsylvania.

Instrumentation

To determine the pupil control ideology of the teachers, the instrument developed by Willower, Eidell, and Hoy was used. The instrument, Pupil Control Ideology (PCI) (See Appendix I), had been developed from a typology that had been employed to measure the control ideology of mental hospitals, which conceptualized a continuum that ranged from "custodialism" at one extreme to "humanism" at the other.[1]

The PCI was developed to provide a way of thinking about

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[1]Donald J. Willower, Terry L. Eidell, and Wayne K. Hoy, The School and Pupil Control Ideology, (Penn State University: Administrative Committee on Research, 1973), p. 5.

educational orientation toward pupil control.[2] It originally was used in the measurement of the general hypothesis that closed-minded educators would be more custodial in their pupil control ideology than would open-minded educators.[3]

The instrument consists of twenty items with response categories ranging from "Strongly Agree" to "Strongly Disagree," and the items are scored: 5, 4, 3, 2, 1, with reverse scoring for items numbered five and thirteen.

In order to test the reliability of the PCI:

> A split-half reliability coefficient was calculated by correlating even-item subscores with odd-item subscores (N = 170). The resulting Pearson product moment coefficient was .91; application of the Spearman-Brown formula yielded a corrected coefficient of .95.[4]

The main procedure in validating the PCI was to ask the principals their judgements of certain of their teachers concerning the pupil control ideology that such teachers held. The number of teachers thus identified was held to be 15 per cent of each description, and it was then possible to compare mean scores on the PCI Form for these two groups of teachers.[5]

> A t-test of the difference of the means of two independent samples was applied to test the prediction that teachers judged to hold a custodial ideology would differ in mean PCI Form scores from teachers judged to have a humanistic ideology. Using a one-tailed test, the calculated

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[2] Ibid., p. 6.

[3] Ibid., p. 8.

[4] Ibid., p. 12.

[5] Ibid., p. 13.

t value was 2.639, indicating a difference in the expected direction, significant at the .01 level.[6]

To determine the homogeneity of the present sample in relation to other sample groups which have responded to the PCI, a z-test was computed to determine whether the present group differed significantly from the sample of the Penn State Study, which was the seminal group utilized in the development of the PCI.

To test the dependent variable of the subject's acceptance of students' rights concepts, an instrument, the Students' Rights Acceptance Scale (SRAS) (See Appendix II), was developed. This instrument consists of eleven questions, also answered on a Likert-type scale ranging from "Strongly Agree" to "Strongly Disagree," scored from five to one respectively.

The questions on the SRAS are based upon the principles of childrens' rights as set forth in the "Bill of Rights for Children," in the Family Law Quarterly;[7] the "Sample Student Code," of Phi Delta Kappa's Commission on Administrative Behaviors Supportive of Human Rights;[8] and the Code of Student

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[6] Ibid., p. 13.

[7] Henry H. Foster, Jr. and Doris Jonas Freed, "A Bill of Rights for Children," Family Law Quarterly, Winter, 1972, pp. 343-75.

[8] "A Sample Student Code," Developed by Phi Delta Kappa's Commission on Administrative Behaviors Supportive of Human Rights, Phi Delta Kappan, December, 1974, pp. 236-42.

Rights and Responsibilities, developed by the National Educational Association's Task Force on Student Involvement.[9]

First Statement: Students and parents should have access to and legal control over their personal school records.[10] The statement is found in Phi Delta Kappa's code which continues this thought with the statement that greater access " . . . will guard against inaccurate, irrelevant, and obsolete material entering and remaining in the record."[11] The report also states that such access to records will reduce misunderstanding and misuse of the data.[12]

This concept is also stressed in the Family Law Quarterly, which states that students and their parents: " . . . have a right to group statistical records concerning the school and a right to inspect their child's full school record at any time."[13, 14]

The National Educational Association's Code of Student Rights and Responsibilities, which states that they have followed the recommendations of the Guidelines for the Collection, Maintenance, and Dissemination of Pupil Records, published by

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[9]Code of Student Rights and Responsibilities, Developed by the National Educational Association Task Force on Student Involvement, (National Education Association, 1971).

[10]"A Sample Student Code," p. 236.

[11]Ibid.

[12]Ibid.

[13]Foster, "Bill of Rights," p. 373.

[14]See VanAllen v. McCleary, 211 N.Y.S.2d, (1961).

the Russell Sage Foundation, stresses the students' right to review their records and maintains the need to have student consent for all collection of data concerning his record.[15] The NEA publication also notes that basic rights regarding information about students, like other kinds of rights, pertain to elementary as well as to secondary and post-secondary students.[16]

Second Statement: Searches of a particular student's person, personal possessions, or locker should proceed only if there is a reasonable belief that contraband is hidden.[17, 18] This statement, from Phi Delta Kappa's code, emphasizes that without a valid search warrant, a principal should not undertake a search unless there is ". . . reasonable basis for believing that the student is concealing material the possession of which is prohibited by state or

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[15] Code of Student Rights and Responsibilities, p. 11.

[16] Ibid.

[17] "A Sample Student Code," p. 237.

[18] Commonwealth v. Dingfelt, 227 Pa. Super. 380, 323 A. 2d 145 (1968); In re C., 26 Cal. App. 3d 320, 325, 102 Cal. Rptr. 682, 685 (1972); In re Donaldson, 269 Cal. App.2d 509, 513, 75 Cal. Rptr. 220, 223, (1969); In re G., 11 Cal. App.3d 1193, 1199, 90 Cal. Rptr. 361, 364 (1970); In re G.C., 121 N.J. Super. 108, 115-17, 296 A.2d 102, 106-07 (1972); In re W., 29 Cal. App.3d 777, 782, 105 Cal. Rptr. 775, 778 (1973); Mercer v. State, 450 S.W.2d 715, 717-18 (Tex. Civ. App. 1970); People v. Overton, 393 U.S. 85 (1968); People v. Jackson, 65 Misc.2d 909, 911, 319 N.Y.S.2d 731, 733-34 (App. Term 1971), aff'd., 30 N.Y.2d 734, 284 N.E.2d 153, 333 N.Y.S.2d 167 (1972); People v. Stewart, 63 Misc.2d 601, 605, 313 N.Y.S.2d 253, 257 (Crim. Ct. 1970); Piazzola v. Watkins, 442 F.2d 284, 290 (5th Cir. 1971); Potts v. Wright, 357 F. Supp. 215 (E.D. Pa. 1973); Reasoner v. State, 463 S.W.2d 55 (Tex. Civ. App. 1970).

local law."[19]

Concerning this same concept, the National Education Association's Code of Student Rights and Responsibilities makes one of the strongest statements when it reports:

> Students have the same rights of privacy as any other citizens and surrender none of those rights by becoming members of the educational community. No institution may use any medium of communication to monitor discussion without the permission of the participants, or to photograph students inside or outside of regular learning activities without their permission. No institution may maintain agents to secure information about student activities or deputize staff members to report on or search students. Such practices prevent students from exercising without fear such rights as freedom of speech, of inquiry, and of association. They create distrust among students and between students and staff members. They cannot therefore be condoned in an educational institution or in a free society.[20]

Third Statement: Schools should not restrict student possession of literature merely because its contents are controversial or because certain words offend a part or even a

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[19]"A Sample Student Code," p. 237.

[20]Code of Student Rights and Responsibilities, p. 35.

majority of the population.[21, 22]

Fourth Statement: Schools should not restrict student distribution of literature merely because its contents are controversial or because certain words offend a part or even a majority of the population.[23, 24] In regard to both the third and fourth statements, Phi Delta Kappa's code states that it is no longer consistent with human rights in the schools to restrict student possession and distribution of literature.[25] And the NEA report asserts that student publications and like media should be financially independent and

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[21]"A Sample Student Code," p. 238.

[22]See Baker v. Downey City Board of Education, 307 F. Supp. 517 (C.D. Cal. 1969); Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir. 1973); Caplin v. Oak, 356 F. Supp. 1250 (S.D. N.Y. 1973); Eisner v. Stamford Board of Education, 440 F.2d 803, 809 (2d Cir. 1971); Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir. 1972); Grayned v. City of Rockford, 408 U.S. 104 (1972); Jacobs v. Board of School Commissioners, 490 F.2d 601 (7th Cir. 1973); Quarterman v. Byrd, 543 F.2d 54 (4th Cir. 1971); Riseman v. School Committee of City of Quincy, 439 F.2d 148 (1st Cir. 1971); Schwartz v. Schucker, 298 F. Supp. 238 (E.D. N.Y. 1969); Scoville v. Board of Education of Joliet Township High School District, 204, 425 F.2d 10 (7th Cir. 1970), cert. denied, 400 U.S. 826 (1970); Segall v. Jacobson, 295 F. Supp. 1121 (S.D. N.Y. 1969); Shanley v. Northeast Independent School District, Bexar County, Texas, 462 F.2d 960, 970-91 (5th Cir. 1972); Sullivan v. Houston Independent School District, 307 F. Supp. 1328, 1342 (S.D. Tex. 1969), cert. denied, 414 U.S. 1032 (1973); Vail v. Board of Education of Portsmouth School District, 354 F. Supp. 592, 598 (D. N.H. 1973).

[23]Ibid.

[24]"A Sample Student Code," p. 238.

[25]Ibid.

be incorporated, and as such be free of all external controls.[26] It continues, if, however, the publication is financially dependent, then guidelines should be established by a panel of equal representation between students on the one hand and administration and faculty on the other. The report also states that: " . . . in no case may the content of the publication be censored by this panel or any other agent."[27]

Fifth Statement: The right of students to express themselves freely, in the absence of substantial disruption to classes, should be firmly protected.[28] Phi Delta Kappa's code states:

> Students shall have the right to express themselves by speaking, writing, wearing, or displaying symbols of ethnic, cultural, or political values such as buttons, badges, emblems, and armbands; or through any mode of dress or grooming style; or through any medium or form of expression; except that the principal may regulate expression, provided there is a factual basis for believing a specific form of expression by a student will cause or is causing substantial disruption of school activities.[29]

And with regard to the same, the NEA code states:

> Student and student organizations must be free to examine and discuss all questions of interest to them; to express opinions publicly and privately, both verbally and by such visual means as buttons or insignia or other forms of symbolic speech; to circulate and present petitions; to assemble; and to support causes. This right must

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[26] Code of Student Rights and Responsibilities, p. 26.

[27] Ibid.

[28] "A Sample Student Code," p. 238.

[29] Ibid.

not be abridged unless the activity involved causes legally recognizable injury to persons or property or demonstrably prevents the learning process from continuing.[30]

The "Bill of Rights for Children," in the Family Law Quarterly, also states that students should have the right to free speech, freedom of the press, and freedom of assembly subject only to reasonable regulation.[31, 32]

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[30] Code of Student Rights and Responsibilities, pp. 20, 21, 23.

[31] Foster, "Bill of Rights," pp. 373, 374.

[32] See Aguirre v. Tahoka Independent School District, 311 F. Supp. 664 (N.D. Tex. 1970); Augustus v. School Board of Escambia County, 361 F. Supp. 383 (N.D. Fla. 1973); Blackwell v. Issaquena County Board of Education, 363 F.2d 749 (5th Cir. 1966); Burnside v. Byars, 363 F.2d 744 (5th Cir. 1966); Butts v. Dallas Independent School District, 436 F.2d 728 (5th Cir. 1971); Hernandez v. School District Number One, 315 F. Supp. 289 (D. Colo. 1970); Melton v. Young, 456 F.2d 1332 (6th Cir. 1972), cert. denied, 411 U.S. 951 (1973); Smith v. St. Tammany Parish School Board, 316 F. Supp. 1174 (E.D. La. 1970); Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Wise v. Sauers, 345 F. Supp. 90, 93 (E.D. Pa. 1972).

"The basic modern judicial position regarding political rights of students in public schools was enunciated first by a panel of the United States Court of Appeals for the Fifth Circuit in 1966. In two decisions announced the same day the court ruled for the students in one and for the board in the other. Each case involved the wearing of 'political' buttons by students. These opinions were cited with approval by the United States Supreme Court, which used their rationale in the Tinker armband case. . . . The Court held that school children have a right to communicate an idea silently and to encourage the members of their community to exercise their civil rights. It observed; 'The right to communicate a matter of vital public concern is embraced in the First Amendment right to freedom of speech and therefore is clearly protected against infringement by state officials. . . . Particularly, the Fourteenth Amendment protects the First Amendment rights of school children against unreasonable rules and regulations imposed by school authorities.'" Reutter, The Courts and Student Conduct, "quoting" Burnside v. Byars, p. 8.

Sixth Statement: Students should have the right of assembly as long as they are not disruptive, do not disturb classroom instruction, or do not unduly inconvenience school officials with untimely meetings,[33]

The NEA publication states: "Institutional control of campus facilities must not be used as a device of censorship."[34] The report continues to recommend that a panel be established which would be comprised of equal numbers from the faculty, student body, and administration. The panel would set procedures for the use of school facilities, and would be designed only to ensure that scheduling of facilities is orderly and that there is adequate logistical preparation for the events.[35] And the Family Law Quarterly states that students should have freedom of assembly subject only to reasonable regulations.[36]

In referring to statements seven through nine, which deal with suspensions, expulsion, and related issues, the Phi Delta Kappa's code states:

> The sections on suspension and expulsion form the heart of any student disciplinary code. The Commission believes that human rights in the schools can be fostered if the procedures governing suspensions and expulsions are spelled out in sufficient detail so that misuse and misunderstanding of the system do not occur . . . . Many school systems allow principals to suspend stu-

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[33]"A Sample Student Code," p. 238.

[34]Code of Student Rights and Responsibilities, p. 17.

[35]Ibid.

[36]Foster, "Bill of Rights," p. 373.

> dents for any reason and without notice or hearing. The permissible length of these discretionary summary suspensions varies, but may range up to 10 days or more. In recent years, the courts have become increasingly uneasy about this carte blanche authority to suspend students and have imposed numerous procedural safeguards.[37]

In relation to these same concepts, the NEA student code states:

> Pending final action on any charges against him the status of a student must not be altered, nor his rights to continue learning activities suspended, except when his continued presence on campus poses clear and present danger to his physical or emotional safety; to the safety of the students, faculty, or institutional property; or to the continuation of the learning process.[38]

Seventh Statement: A student should be temporarily suspended only if the principal has reasonable cause to believe that the physical safety of the student or of others is endangered and will continue to be endangered or if the student is causing and will continue to cause substantial interference with classroom instruction.[39, 40]

Eighth Statement: Temporary suspensions should occur only after the student has been informed of the reason for the disciplinary action and has been given an opportunity to

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[37] "A Sample Student Code," p. 239.

[38] Code of Student Rights and Responsibilities, p. 38.

[39] "A Sample Student Code," p. 239.

[40] See Center for Participant Education v. Marshall, 377 F. Supp. 126 136 (N.D. Fla. 1972); Fielder v. Board of Education, 336 F. Supp. 722, 724 n.1., (D. Neb. 1972); Goss v. Lopez, 419 U.S. 565 (1975). For a discussion of the Goss case see Chapter II.

defend himself.[41]

Ninth Statement: If a student is suspended, no academic penalities should be imposed upon the student because of the suspension.[42]

Again, with regard to suspension, the article in the Family Law Quarterly states:

> It is now established that arbitrary or unreasonable school regulations are a nullity, that at least an expurgated version of the Bill of Rights applies to students qua students, and that disciplinary procedures and expecially expulsion or suspension proceedings must satisfy the basic requirements of due process of law.[43]

Tenth Statement: The right of a student to participate fully in classroom instruction and extracurricular activities shall not be abridged or impaired because of age, sex, race, religion, national origin, pregnancy, parenthood, marriage, or for any other reason not related to his/her individual capabilities.[44] The Phi Delta Kappan article declares:

> The Commission believes that discrimination has no place in public education. Schools should be open to all who wish to enjoy their benefits. This right should not be curtailed because the student possesses characteristics which do not conform to majority patterns. The list of prohibited discriminatory factors in this section is not intended to be exhaustive. The commitment to equal educational opportuntiy extends to all factors upon which the impairment

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[41] "A Sample Student Code," p. 239.

[42] Ibid.

[43] Foster, "Bill of Rights," p. 373.

[44] "A Sample Student Code," p. 238.

> of educational services cannot be rationally based.[45]

Eleventh Statement: Students should not be subject to corporal punishment.[46] This statement, taken directly from the code established by the Commission on Administrative Behaviors Supportive of Human Rights, is emphasized by the following:

> The Commission believes that corporal punishment is inconsistent with the values expressed in this Code. Furthermore, there is no need to resort to corporal punishment, because this Code provides ample authority to deal with disruptive students without inflicting physical pain upon them.[47]

Data Collection

The instruments for this study were administered collectively at an in-service day in the school districts.

Analysis of Data

After the instruments were received from the subjects, they were scored and the scores were rank ordered on the PCI. To check the homogeneity of this sample in relation to another sample a z-test was computed using the scores in a Penn State study. To test the internal reliability of the SRAS, a test correlating the eleven individual item scores with the total scores of the eleven items of the SRAS was computed. The

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[45] Ibid., pp. 238, 239.

[46] Ibid., p. 242.

[47] Ibid.

PCI scores were then tricotimized with the lower third considered most humanistic. In order to test the hypothesis a t-test for independent sample means of both groups was used. Accepted level of significance was .05.

Chapter IV

Analysis and Discussion of Data

To check the homogeneity of this sample in relation to another sample a z-test was computed using the scores in a Penn State study which was the seminal work using the PCI.[1]

Table 1

A Comparison of the Pupil Control Ideology Scores of Secondary School Teachers in the Penn State Study and the Present Study

Variable	n	Mean PCI Score	Standard Deviation	z value
Present Study Sample	32	60.06	12.31*	1.01 (n.s.)
Penn State Study Sample	477	62.30		

*As required by the statistical formula used, only the standard deviation of the present study sample is reported.

The data recorded in the table demonstrate that the present sample is not significantly different on the PCI from an earlier large sample of teachers.

[1]Donald J. Willower, Terry L. Eidell, and Wayne K. Hoy, The School and Pupil Control Ideology, (Penn State University: Administrative Committee on Research, 1973), p. 20.

Because a large portion of this study was related to the development of an instrument measuring students' rights attitudes, it was required to compute statistics which would indicate the internal reliability of the instrument.

A test correlating the eleven individual item scores with the total scores of the eleven items of the SRAS was computed; the data are presented in Table 2. The data indicated that ten of the eleven items of the SRAS were significantly related to the total score. Item Number 2 was the only item not significantly related.

Table 2

Correlation of Individual SRAS Items with the Total SRAS Score

Item No.	r coefficient
1	.362*
2	.205 n.s.
3	.644*
4	.739*
5	.447*
6	.481*
7	.571*
8	.417*
9	.454*
10	.452*
11	.563*

* $p = < .05$

It was decided to keep Item Number 2 in the instrument and perhaps subject it to further testing. The item, relating to the concepts of student searches and seizures, is an important aspect of students' rights. It is also noteworthy

that this concept is reflected in an overall ambivalence that is found in the courts. The question of student searches and seizures is probably the most uncertain area in students' rights, and there has been no definitive statement by the Supreme Court, although in the lower courts a high number of student cases involve this very concept.[2]

In order to test the hypothesis that teachers with a humanistic pupil control ideology will have a significantly greater degree of acceptance of students' rights than will teachers with a custodial pupil control ideology, a t-test on the mean scores of each sample group was computed. The result of the test revealed a t-ratio of 9.12 which showed that humanistic teachers are significantly more accepting of students' rights than custodial teachers.

Table 3

Students' Rights Attitude Survey: A Comparison of the Scores of Humanistic and Custodial Teachers

Sample	n	Mean SRAS Score	Standard Error	t-ratio
Humanistic teachers	16	41.69	.85	9.12*
Custodial teachers	16	33.19	.93	

*p = <.05

[2]William G. Buss, "Searches of Students by School Officials in Public Schools," Inequality in Education, July, 1975, p. 4.

Thus, with a significant difference between the SRAS scores of the humanistic and custodial teachers, it seems that teachers who tend to be more humanistic in their approach to education will also tend to be more accepting of the concepts of students' rights. And, for the present, a student may have the best chance at being treated as an individual with respected rights by those teachers who hold to the more humanistic ideology.

Chapter V

Summary

This study hypothesized that teachers with a humanistic pupil control ideology would have a significantly greater degree of acceptance of students' rights than would teachers with a custodial pupil control ideology.

As such, the study has reviewed a sample of teachers concerning their attitudes about pupil control and their attitudes concerning the concepts of students' rights to ascertain whether there was a significant relationship between the two variables.

To measure the attitudes of teachers in this sample on pupil control, the Pupil Control Ideology (PCI) was used. To determine the attitudes of teachers in this sample on students' rights an instrument, the Students' Rights Acceptance Scale (SRAS), was developed, tested for internal reliability and used to measure the teachers' attitudes toward students' rights.

Since this was a rather small sample, to check the homogeneity of this sample with other teacher groups the scores on the PCI were checked against a larger sample, reflected by seminal work on the PCI conducted at Penn State University. This showed both samples to be statistically

similar in attitudes toward pupil control.

In testing for the internal reliability of the SRAS, it was found that all items except one had scores that significantly related to the total test score. Item Number 2 was the only item not significantly related.

Lastly, to test the hypothesis, the results indicate that for this sample there was a significant difference between the two groups. Those teachers who held more humanistic attitudes concerning pupil control were more receptive to the concepts of students' rights than were the teachers who held a more custodial attitude concerning pupil control.

Implications

Since this was the initial use of the instrument measuring attitudes on students' rights, the SRAS, it is noted that at some future date additional studies should be made with the instrument perhaps using larger or more diverse samples.

It is also suggested that other avenues of investigation might also be explored. For example: Is there a significant difference between urban and rural teachers' attitudes concerning students' rights? Does the tone of the school environment make a significant difference on teacher attitudes on students' rights? Is there a significant difference between the age of teachers or number of years in teaching and the concepts of students' rights? Is there a significant difference between the attitudes of male and female teachers toward students' rights? Do the different areas of study reflect a

significant difference in attitude? For example, are social studies teachers apt to be more accepting of students' rights than science teachers?

It is also suggested that at some future date an additional study may be made concerning Item Number 2 on the SRAS. As indicated in this paper, search and seizure is one area that has not been definitively answered by the courts, and it is interesting to note that it was this same concept which also was not related to the total when analyzing the SRAS.

The Supreme Court has not as yet ruled on the rights of students concerning searches within an educational institution.[1]

> Obviously, any tendency to encourage covert arrangements between police and education officials undermines the integrity of the system of justice and reduces the respect for law by the general public, and particularly by students.[2]

The issue of searches and seizures has not been definitively settled by the Supreme Court. It remains a controversial point which is reflected in the responses received for Item Number 2 on the SRAS.

In this study the more humanistic teachers were more likely to accept the concepts of students' rights. It is therefore hoped that further study will find that if more

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[1] William G. Buss, "Searches of Students by School Officials in Public Schools," Inequality in Education, July, 1975, p. 4.

[2] Ibid.

humane values are emphasized within the educational community, there may be recognition of basic human rights in that same environment.

Appendix I

Form PCI

Information:

On the following pages a number of statements about teaching are presented. Our purpose is to gather information regarding the actual attitudes of educators concerning these statements.

You will recognize that the statements are of such a nature that there are no correct or incorrect answers. We are interested only in your frank opinion of them.

Your responses will remain confidential, and no individual will be named in the report of this study. Your cooperation is greatly appreciated.

Instructions:

Following are some statements about schools, teachers, and pupils. Please indicate your personal opinion about each statement by circling the appropriate response at the right of each statement.

SA = Strongly Agree, A = Agree, U = Undecided, D = Disagree, SD = Strongly Disagree

1.	It is desirable to require pupils to sit in assigned seats during assemblies.	SA	A	U	D	SD
2.	Pupils are usually not capable of solving their problems through logical reasoning.	SA	A	U	D	SD
3.	Directing sarcastic remarks toward a defiant pupil is a good disciplinary technique.	SA	A	U	D	SD
4.	Beginning teachers are not likely to maintain strict enough control over their pupils.	SA	A	U	D	SD
5.	Teachers should consider revision of their teaching methods if these are criticized by their pupils.	SA	A	U	D	SD
6.	The best principals give unquestioning support to teachers disciplining pupils.	SA	A	U	D	SD

7. Pupils should not be permitted to contradict the statements of a teacher in class. SA A U D SD

8. It is justifiable to have pupils learn many facts about a subject even if they have no immediate application. SA A U D SD

9. Too much pupil time is spent on guidance and activities and too little on academic preparation. SA A U D SD

10. Being friendly with pupils often leads them to become too familiar. SA A U D SD

11. It is more important for pupils to learn to obey rules than that they make their own decisions. SA A U D SD

12. Student governments are a good "safety valve" but should not have much influence on school policy. SA A U D SD

13. Pupils can be trusted to work together without supervision. SA A U D SD

14. If a pupil uses obscene or profane language in school, it must be considered a moral offense. SA A U D SD

15. If pupils are allowed to use the lavatory without getting permission, this privilege will be abused. SA A U D SD

16. A few pupils are just young hoodlums and should be treated accordingly. SA A U D SD

17. It is often necessary to remind pupils that their status in school differs from that of teachers. SA A U D SD

18. A pupil who destroys school material or property should be severely punished. SA A U D SD

19. Pupils cannot perceive the difference between democracy and anarchy in the classroom. SA A U D SD

20. Pupils often misbehave in order to make the teacher look bad. SA A U D SD

Appendix II

Form SRAS

Instructions:

Following are some statements about schools, teachers, and pupils. Please indicate your personal opinion about each statement by circling the appropriate response at the right of each statement.

SA = Strongly Agree, A = Agree, U = Undecided, D = Disagree, SD = Strongly Disagree

1. Students and parents should have access to and legal control over their personal school records. SA A U D SD

2. Searches of a particular student's person, personal possessions, or locker should proceed only if there is a reasonable belief that contraband is hidden. SA A U D SD

3. Schools should not restrict student possession of literature merely because its contents are controversial or because certain words offend a part or even a majority of the population. SA A U D SD

4. Schools should not restrict student distribution of literature merely because its contents are controversial or because certain words offend a part or even a majority of the population. SA A U D SD

5. The right of students to express themselves freely, in the absence of substantial disruption to classes, should be firmly protected. SA A U D SD

6. Students should have the right of assembly as long as they are not disruptive, do not disturb classroom instruction, or do not unduly inconvenience school officials with untimely meetings. SA A U D SD

7. A student should be temporarily suspended only if the principal has reasonable cause to believe that the physical safety of the student or of others is endangered and will continue SA A U D SD

to be endangered or if the student is causing and will continue to cause substantial interference with classroom instruction. SA A U D SD

8. Temporary suspensions should occur only after the student has been informed of the reason for the disciplinary action and has been given an opportunity to defend himself. SA A U D SD

9. If a student is suspended, no academic penalties should be imposed upon the student because of the suspension. SA A U D SD

10. The right of a student to participate fully in classroom instruction and extracurricular activities should not be abridged or impaired because of age, sex, race, religion, national origin, pregnancy, parenthood, marriage, or for any other reason not related to his/her individual capabilities. SA A U D SD

11. Students should not be subject to corporal punishment. SA A U D SD

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